Affects Parts: 60

Regulation No. SR - 445

UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

Effective: February 17, 1961
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Special Civil Air Regulation No. SR - 445

[Reg. Docket No. 666]

PART 60—AIR TRAFFIC RULES

Reports of Navigation and Communications Equipment Malfunctions; Special Civil Air Regulation

Under this special regulation, pilots in command of aircraft being operated in controlled airspace under the instrument flight rules (IFR) must report immediately any malfunctions of navigation or communications equipment to Air Traffic Control.

Part 60 of the Civil Air Regulations contains the Air Traffic Rules and prescribes in § 60.2 that the pilot in command of an aircraft is directly responsible for that aircraft and "shall have final authority" as to its operation. This authority includes the responsibility to utilize available facilities at his disposal when a malfunction occurs which curtails the pilot's ability to navigate by reference to ground radio aids or communicate with ground facilities while operating under instrument flight rules.

Information regarding the airborne malfunction of a component which may affect the ability to navigate or communicate should be made available immediately to Air Traffic Control in order that the system will be alerted to the fact that the pilot may not be able to fully comply with the requirements of the system, or that an emergency situation may develop. Such immediate notification will permit a more complete utilization of the resources of the system.

For many years, it has been a common practice for pilots to report malfunctions of communications or navigation equipment to Air Traffic Control. However, there have been instances wherein an equipment malfunction has not been communicated to Air Traffic Control and where subsequent handling of the aircraft might conceivably have been more effective if the circumstances had been properly reported. It is, therefore, no longer feasible to continue the reporting relationship on a voluntary basis for IFR operations in controlled airspace. Accordingly, this regulation is being promulgated

The exact nature and degree of assistance available and appropriate from the air traffic control system will vary considerably. In areas where extensive ATC radar surveillance capability exists, it will be possible to provide greater assistance than in areas with little or no radar coverage. The volume of IFR traffic under ATC jurisdiction will also be a factor in the handling of the reporting aircraft. It should be emphasized that the efficient provision of ATC assistance is dependent upon a complete understanding between the pilot and the controller as to the nature and extent of the assistance needed, as well as the nature and extent of the service available. If it is possible to maintain radar and communications contact with the pilot, the controller can render considerable assistance during en route operations, during entry into holding patterns, during holding, and during the approach and landing.

It is important that the distinction between the ATC "special handling" of aircraft with malfunctioning equipment and the "priority handling" of aircraft in emergencies be noted. "Special handling" means that the air traffic controller will provide the maximum amount of assistance, consistent with the equipment at his disposal and the proper performance of his control functions with respect to other IFR aircraft. Should the circumstances warrant greater attention and priority handling with respect to other IFR aircraft, the pilot should declare an emergency in accordance with § 60.2 of Part 60.

This regulation requires reports concerning the loss or malfunction of VOR, TACAN, ADF, or low frequency navigation receivers, the total or partial loss of ILS receiver capability, and any malfunction affecting air/ground communications capability.

The application and results obtained from this regulation will be closely monitored and its benefits evaluated. After a reasonable period a notice of proposed rule making will be issued, proposing an amendment to Part 60 to incorporate the salient points of this special regulation, as modified in the light of experience gained.

Since events have recently occurred which establish a requirement for the immediate adoption of this regulation for the safety of air commerce, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this special regulation effective immediately.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted and is effective February 17, 1961:

1. *Applicability.* This Special Civil Air Regulation applies to the operation of aircraft within controlled airspace under the Instrument Flight Rules of Part 60 of the Civil Regulations.

2. *Malfunction reports.* The pilot in command shall report immediately to Air Traffic Control any inflight malfunction of navigation or air/ground communications equipment as listed below:

(a) Loss of VOR, TACAN, ADF, or low frequency navigation receiver capability; or

(b) Complete or partial loss of ILS receiver capability; or

(c) Impairment of air/ground communications capability.

3. *Substance of reports.* Each report required under paragraph 2 hereof shall include the following:

(a) Aircraft identification;

(b) The equipment affected;

(c) The degree to which the capability of the pilot to operate IFR in the air traffic control system is impaired; and

(d) The nature and extent of assistance desired from Air Traffic Control.

(Sec. 307 of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1343)

Issued in Washington, D.C., on February 13, 1961.

JAMES T. PYLE,
Acting Administrator.

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